

was adulteration as to one of the shipments and not as to the other, you will indicate by your verdict the count upon which you acquit and the count upon which you convict, bearing in mind that the first count sets forth the shipment of January 2nd, 1943, from Fremont to St. Paul, and that the second count sets forth the shipment from Fremont to Los Angeles, on September 12th, 1942."

On November 20, 1944, the jury, after due deliberation, returned a verdict of not guilty.

**7809. Adulteration of dried, unpitted apricots. U. S. v. 95 Cases of Dried Unpitted Apricots. Decree ordering that the product be released under bond.** (F. D. C. No. 14936. Sample No. 73027-F.)

**LIBEL FILED:** January 3, 1945, Northern District of California.

**ALLEGED SHIPMENT:** On or about December 8, 1944, by the Callahan Supply Co., from Seattle, Wash.

**PRODUCT:** 95 25-pound cases of dried, unpitted apricots at San Francisco, Calif.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of larvae, insect excreta, and moldy apricots.

**DISPOSITION:** January 31, 1945. The Albert Asher Co., San Francisco, Calif., having appeared as claimant, judgment was entered ordering that the product be released under bond to be brought into compliance with the law, under the direction of the Food and Drug Administration.

**7810. Adulteration of prunes. U. S. v. 135 Boxes of Prunes. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 14836. Sample No. 89980-F.)

**LIBEL FILED:** January 2, 1945, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about December 22, 1942, by the Rosenberg Bros. Co., from Myrtle Creek, Oreg.

**PRODUCT:** 135 25-pound boxes of prunes at St. Louis, Mo.

**LABEL, IN PART:** "Atlas Brand Prunes."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

**DISPOSITION:** February 12, 1945. The Bohn-Lenartz Co., a corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into conformity with the law, and that such portions as should not be passed as fit for food by the Food & Drug Administration be destroyed.

**7811. Adulteration of raisins. U. S. v. 179 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 14991. Sample No. 74740-F.)

**LIBEL FILED:** On or about January 19, 1945, District of Oregon.

**ALLEGED SHIPMENT:** On or about June 23, 1944, by the Puccinelli Packing Co., from Turlock, Calif.

**PRODUCT:** 179 30-pound cases of raisins at Portland, Oreg.

**LABEL, IN PART:** "Alma Brand Thompson Seedless Raisins."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

**DISPOSITION:** February 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7812. Adulteration of raisins. U. S. v. 215 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 15005. Sample No. 74741-F.)

**LIBEL FILED:** January 22, 1945, District of Oregon.

**ALLEGED SHIPMENT:** On or about July 22, 1944, by the Central California Packing Co., from Del Rey, Calif.

**PRODUCT:** 215 30-pound cases of raisins, at Portland, Oreg.

**LABEL, IN PART:** "Del Cara Brand Thompson Seedless Raisins."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect excreta.

**DISPOSITION:** February 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7813. Adulteration of stuffed fruit. U. S. v. 723 Packages of Stuffed Fruit. Default decree of condemnation and destruction. (F. D. C. No. 14994. Sample Nos. 73264-F, 73265-F, 73268-F, 73269-F.)**

**LIBEL FILED:** January 15, 1945, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 2 and 9, 1944, by the Liberty Fig and Date Co., from Chicago, Ill.

**PRODUCT:** 331 2-pound packages and 392 1-pound packages of stuffed fruit at Oakland, Calif.

**LABEL, IN PART:** "Delicious Stuffed Fruit [or "Fruits"]."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of wormy, sour, and moldy white figs.

**DISPOSITION:** March 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7814. Adulteration of frozen raspberries. U. S. v. 21 Barrels of Frozen Raspberries. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14887. Sample No. 93962-F.)**

**LIBEL FILED:** January 3, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 6, 1944, by Bardinnet Exports, Inc., from Middleport, N. Y.

**PRODUCT:** 21 barrels, each containing approximately 450 pounds, of frozen raspberries, at Elizabeth, N. J.

**LABEL, IN PART:** "Cold Packed Columbian Raspberries \* \* \* Packed by George W. Haxton & Son, Inc., Oakfield, N. Y."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

**DISPOSITION:** February 5, 1945. Bardinnet Exports, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for distillation purposes.

#### FRUIT BUTTERS, JAMS, AND JELLIES

**7815. Adulteration and misbranding of apple butter. U. S. v. 49 Cases of Apple Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14123. Sample No. 74233-F.)**

**LIBEL FILED:** October 25, 1944, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about September 13, 1944, by the California Preserving Co., from Los Angeles, Calif.

**PRODUCT:** 49 cases, each containing 12 jars, of apple butter, at Galveston, Tex.

**LABEL, IN PART:** "Catalina Brand Pure Apple Butter Net Contents 1 Lb. 12 Oz. Made from Fresh Apples."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), a product insufficiently concentrated had been substituted in whole or in part for apple butter.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since the soluble solids content of the finished product was less than 43 percent.

**DISPOSITION:** January 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**7816. Adulteration and misbranding of jams. U. S. v. 34 Cases of Jams. Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 14018. Sample Nos. 88040-F, 88041-F.)**

**LIBEL FILED:** October 14, 1944, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about June 5 and July 27, 1944, by the Mactavish Preserves Co., Inc., from Brooklyn, N. Y.

**PRODUCT:** 28 cases, each containing 24 jars, of strawberry jam, and 6 cases, each containing 24 jars, of apricot jam, at Woonsocket, R. I.

**LABEL, IN PART:** "Mactavish Pure Strawberry Jam [or "Apricot Jam"]."